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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/341,550	07/13/99	MAYFIELD	S TSRI

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HM12/0927┐

THE SCRIPPS RESEARCH INSTITUTE  
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EXAMINER

KETTER, J

ART UNIT	PAPER NUMBER
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1636

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DATE MAILED:

09/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

— SEE ATTACHED —

# Office Action Summary

Application No.

09/34,550

Applicant(s)

Mayfield

Examiner

J. Metten

Group Art Unit

1636

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-65 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 1-9 AND 12-65 is/are allowed.
- ☒ Claim(s) 10 AND 11 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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Claims 1-9 and 12-65 are allowed.

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCES AND/OR AMINO ACID SEQUENCE  
DISCLOSURES.**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR §§ 1.821-1.825 for the following reasons:

This application clearly fails to comply with the requirements of 37 CFR §§ 1.821-1.825. Applicants' attention is directed to these regulations, published at 114 OG 29, 15 May 1990 and at 55 FR 18230, 1 May 1990. It is noted that disclosures of nucleotide sequences of 10 or more nucleotides length are present in the Figures, and at pages 59 and 60. However, this application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Further, a copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicants are **REQUIRED** to provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper copy of the "Sequence Listing", as well as an amendment

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directing its entry into the specification, and a statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123;

For CRF submission help, call (703) 308-4212; and/or

For PatentIn software help, call (703) 557-0400.

See the attached Notice to Comply, also setting forth the requirements as set forth supra, a copy of which notice must be returned with Applicants' response.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Danon et al. (U).

The instant claim is drawn to purified RB47 (47 kDa) protein, recited as recombinant.

Danon et al. teaches, e.g., from the end of page 3997 through page 3998, purification of RB47 (47 kDa) protein.

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It is not apparent that recombinant RB47 would possess any property which would render it patentably distinct from native, purified RB47.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Danon et al. (V).

The instant claim is drawn to purified RB60 (60 kDa) protein, recited as recombinant.

Danon et al. teaches, e.g., as shown by Figure 7 and the caption thereof, purification of RB60 (60 kDa) protein.

It is not apparent that recombinant RB60 would possess any property which would render it patentably distinct from native, purified RB60.

Certain papers related to this application may be submitted to Art Unit 1805 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993)(see 37 CFR § 1.6(d)). The Art Unit 1636 Fax number is (703) 305-7939. NOTE: If Applicant *does* submit a paper by fax to this number, the examiner must be notified promptly, to ensure matching of the faxed paper to the application file, and the original signed copy should be retained by Applicant or Applicant's representative. (703) 308-4242 or (703) 305-3014 may be used without notification of the examiner, with such faxed papers being handled in the manner of mailed responses. Applicants are encouraged to use the latter two fax numbers unless immediate action by the examiner is required, e.g., during discussions of claim language for allowable subject matter. NO

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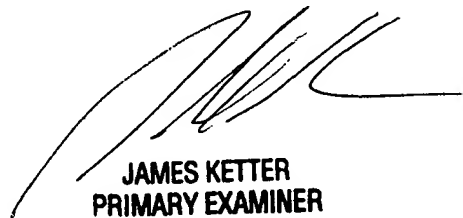
DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Ketter whose telephone number is (703) 308-1169. The Examiner can normally be reached on Monday-Thursday from 8:00 AM-5:30 PM, and on alternate Fridays.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, George Elliott, can be contacted at (703) 308-4003.

James Ketter

September 23, 1999



**JAMES KETTER  
PRIMARY EXAMINER**